

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

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|---|---|--------------------|
| JASON LEE VAN DYKE | § | |
| Plaintiff | § | |
| | § | |
| v. | § | Case No. 4:18cv247 |
| | § | |
| THOMAS CHRISTOPHER RETZLAFF | § | |
| a/k/a Dean Anderson d/b/a BV Files, Via | § | |
| View Files L.L.C., and ViaView Files | § | |
| Defendant | § | |

MOTION TO SET HEARING FOR PRELIMINARY INJUNCTION

Plaintiff, Jason Lee Van Dyke, respectfully request that this Honorable Court enter a setting an oral hearing on the merits on his motion for preliminary injunction in the above-captioned case. As grounds therefore, Plaintiff states as follows.

1. Plaintiff incorporates by reference herein all of the factual allegations made in Plaintiff's Application for Preliminary Injunction and Memorandum of Law in Support. ECF 46.
2. Defendant has continuously engaged in felonious criminal conduct against Plaintiff since March of 2017. Specifically, Defendant has committed multiple offenses against Plaintiff in violation of Tex. Penal Code § 42.072 (stalking). Additionally, Defendant has tortiously interfered with Plaintiff's law practice for well over a year despite repeated demands that Defendant cease and desist such conduct. Defendant has claimed that he has a First Amendment right to harass Plaintiff and interfere with his law practice. Such a claim is patently absurd.
3. On July 18, 2018, Plaintiff received the correspondence from Defendant (using his "Dean Anderson" alias) that is attached hereto as Exhibit "A" and incorporated by reference herein. The correspondence specifically referenced Dr. Darian Hampton, a

new client of Plaintiff.

3. This correspondence prompted Plaintiff to access Defendant's BV Files website (www.viaviewfiles.net), at which time he was able to locate a post made by a person utilizing the alias "The Mad Doxer". A true and correct copy of that post is attached hereto as Exhibit "B" and incorporated by reference herein.
4. Plaintiff immediately sent this correspondence to Defendant's counsel and discovered, less than ninety minutes later, that a copy of the correspondence that he had sent to Mr. Dorrell has also been posted on the BV Files website. A true and correct copy of that post is attached hereto as Exhibit "C" and incorporated by reference herein.
5. Later in the evening and the following morning, Plaintiff received additional harassing correspondence from Defendant - through his "Dean Anderson" pseudonym - which is attached hereto as Exhibit "D" and incorporated by reference herein.
6. Defendant clearly intends to continue interfering with Plaintiff's law practice during the pendency of this lawsuit through the use of his "Dean Anderson" alias and his BV Files website. This Court should set an immediate hearing on Plaintiff's Motion for a Preliminary Injunction in this cause so as to prohibit Defendant from further damaging Plaintiff's law practice.
7. Plaintiff is available for a hearing at any time *except* for the following dates, during which he will either be on vacation or in court for other cases: June 23-25, 2018; August 9, 2018; August 15, 2018; August 17, 2018, August 22, 2018; September 7, 2018; October 11-12, 2018; November 9, 2018; November 15-16, 2018; and December 28, 2018 - January 5, 2019.

WHEREFORE, premises considered, Plaintiff prays that this Honorable Court enter an order setting his Application for Preliminary Injunction for an oral hearing on the merits.

Respectfully submitted,

/s/ Jason Lee Van Dyke
Jason L. Van Dyke
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Pro Se Plaintiff

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was electronically filed on the CM/ECF System, which will automatically serve a Notice of Electronic Filing on Jeffrey Dorrell, Attorney for Defendant.

/s/ Jason Lee Van Dyke
JASON LEE VAN DYKE

CERTIFICATE OF CONFERENCE

I certify that between July 18, 2018 and July 19, 2018, I made a reasonable attempt to confer with Jeffrey Dorrell concerning this motion. Mr. Dorrell is opposed to this motion

/s/ Jason Lee Van Dyke
JASON L. VAN DYKE